

#### IV. REMARKS

1. Claims 1-3 and 6-30 are amended. It is noted that the Examiner acknowledges that the features of claims 12, 14, 20-22 and 28-31, where additional data processing and user interactive requirements are claimed are not disclosed in the cited references.
2. Figures 1 and 3 are amended to include labels. It is noted that Figure 2 is an electrical schematic and the boxes numbered 6-11 correspond to the electrical symbol for a resistor and do not need labels. Replacement drawing sheets are being submitted herewith.
3. The specification is amended to remove references to specific claims.
4. Claims 1-31 are patentable under 35 U.S.C. 112, second paragraph. Claim 24 is amended to overcome the rejection. With respect to claims 1, 16 and 24, Applicant submits that the phrase "horizontal position" is clear and definite. The Examiner is reminded that during examination "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification" (See M.P.E.P. § 2111.01). Applicant has clearly defined the phrase "horizontal position" in the specification at page 12, lines 9-12 to mean "any format of indicating the position in the horizontal plane, such as by latitude and longitude or any other suitable coordinate system". Claims 1, 16 and 24 call for determining the horizontal position at the location of the mobile communication terminal. Thus, one skilled in the art reading Applicant's claims would know exactly what the phrase "horizontal position" means and its relationship to the mobile terminal. It is also noted that the phrase "ground level" is clearly defined by the Applicant in the specification at page 12, lines 5-7 as "all types of terrain, including the surface level of lakes and other eaters, above and under sea level." Thus, it would be clear to one skilled in the art as to what determining the ground level at the location of the mobile terminal as called for in Applicant's claims. Therefore, claims 1-31 are definite.

5. Claim 24 is amended to overcome the rejection under 35 U.S.C. 101. "Establishing the altitude of the mobile communication terminal according to the horizontal position and the ground level" is clearly a useful, concrete and tangible result.

6. Claims 1-11, 13, 15-19 and 24-27 are patentable under 35 U.S.C. 103(a) over *McBurney et al.*, U.S. Patent No. 6,055,477 ("*McBurney*"). Claims 1, 16 and 24 recite a mobile communication device. Nowhere is a mobile communication device disclosed or suggested in *McBurney*.

*McBurney* discloses methods for GPS-assisted determination of location coordinates of a mobile user or selected position on or adjacent to the Earth's surface (Abstract). In *McBurney* a surveyor, navigator or other human or non-human user (11) of a GPS or location determination system carries a satellite positioning system (SATPS) location determination module (13) that includes an SATPS signal antenna (15) and associated SATPS signal receiver/processor (17) that receive and process SATPS signal from three or more SATPS satellites (19, 21, 23, 35). (Col. 8, L. 56-67). The user (11) in *McBurney* also carries an altitude sensing device (27) that is in communication with the GPS receiver/processor (Col. 9, L. 66 - Col. 10, L. 1).

It is submitted that the Examiner's equating the "mobile user" of *McBurney* at page 6, item 8 of the Office Action to the mobile communication system claimed by Applicant is not supported by the factual content of *McBurney*. The mobile user of *McBurney* is not disclosed as a mobile communication device, rather the "mobile user" is disclosed as a surveyor, navigator or other human or non-human user (11) of a GPS or location determination system (Col. 8, L. 56-57). *McBurney* only discloses a location determination system (i.e. GPS system). Nowhere are the surveyor, navigator, other human or non-human user or GPS system disclosed as being a communications system as claimed by Applicant. Thus, claims 1, 16 and 24 are patentable for at least this reason. Claims 2-11, 13, 15-19 and 25-27 are patentable at least by reason of their respective dependencies.

Further, claim 1 recites that the mobile communication terminal comprises a wireless signal transceiver for receiving and transmitting wireless signals and a processor configured to determine the ground level at the location using said determined horizontal position. Nowhere are these features disclosed or suggested by McBurney. In McBurney, the user (11) carries a satellite positioning system location determining module (13) that includes a signal antenna (15) and signal receiver/processor (17) for receiving satellite signals (Col. 8, L. 56-62). The module (13) is in communication with an altitude sensor (27) that is also carried by the user (11) (Col. 9, L. 66- - Col. 10, L. 1). Nowhere is it disclosed that the module (13) has a transceiver for receiving and transmitting wireless signals. Thus, claim 1 is patentable for this additional reason.

Claim 16 recites using the determined ground level to calibrate said barometric altimeter. McBurney does not disclose or suggest these features. In McBurney, the altitude sensor (27) discloses two techniques for calibrating the altitude sensor (27). The first is using the last three-dimensional GPS determined altitude or a user input altitude. The second is using a sequence of GPS determined altitude estimates to calibrate the sensor (27). (Col. 12, L. 21-54). Thus, claim 16 is patentable for this additional reason.

Claim 24 recites establishing the altitude of the mobile communication terminal according to the horizontal position and the ground level. Nowhere is this disclosed or suggested in McBurney. McBurney only discloses that the altitude is determined using GPS determined altitude estimates and/or using the altitude sensor (27). Therefore, claim 24 is patentable for this additional reason.

Further, claim 5 recites that the data is stored at a service provider with which said mobile communication terminal can communicate. Nowhere is this disclosed or suggested in McBurney. The GPS receiver (17) in McBurney received signals from the GPS satellites however, these satellites are not a service provider as claimed by Applicant. Again M.P.E.P. § 2111.01 states that during examination the words of the claim must be given their plain meaning unless the applicant has provided a clear

definition in the specification. Applicant clearly defines the phrase “service provider” in the specification at page 12, lines 14-18 as “any equipment including means to receive a signal incorporating data, such as SMS messages, means to process said data and means to send a signal incorporating data in response to the received signal.” The satellites of McBurney are not disclosed as having the features of the service provider as defined by Applicant. Further, there is no disclosure or suggestion in McBurney that the satellites store data as claimed by Applicant. All that is disclosed in McBurney is that the satellites broadcast their orbital (ephemeris data) (Col. 9, L. 11). Thus, claim 5 is patentable.

Claim 8 recites a user interface configured for enabling a user to enter said horizontal position by indicating an area, a town, a street address, a postal code, or a landmark. In McBurney the GPS coordinates are obtained from GPS satellites. Thus, claim 8 is patentable.

Claim 23 recites transmitting a wireless signal incorporating a ground level altitude or incorporating an indication that the provided horizontal position is not sufficiently accurate to determine a ground level. These features are not disclosed or suggested by McBurney. All that is disclosed in McBurney is the different inputs for altitude are compared to determine which one is the most accurate during calibration of the sensor (27) (Col. 12, L. 13 – Col. 14, L. 54). Thus, claim 23 is patentable.

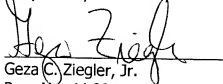
7. With respect to the reference Hendrick, U.S. Patent No. 6,462,703, which the Examiner asserts meets many of the claims, Hendrick discloses a system and method for providing measurements of the altitude above ground level of an in-flight aircraft (Col. 2, L. 7-9). There is absolutely no disclosure in Hendrick of at least a mobile communication terminal as recited in Applicant’s claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and

allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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